



August 7, 2015

Dear EPA:

The following is an open letter of comment as requested, regarding EPA's "Proposed Plan for Libby Asbestos Site Cleanup" dated May 2015.

To begin, this citizen "stakeholder" is appalled that after having had to wait for 15 years for site specific risk assessment to come forward, EPA would immediately slam this Proposed Plan on us with a 30 day comment period attached, rude. The 30 day extension was mighty Graceious of ya'all. A brilliant ploy to sidestep Risk Assessment and handicap us with unnecessary pressure to respond quickly.

Regarding Risk Assessment, for those of you in EPA who apparently don't get it yet, .00009 fibers per cubic centimeter over 70 year exposure period equates to what must be considered to be almost zero tolerance. It takes a minute amount of exposure to cause fibrotic lung disease. This statement is an omission in the Proposed Plan that should have been contained in the first paragraph of introduction. A deliberate omission of pertinent information, I believe. What Risk Assessment? Nothing to see here, move along, move along, let's talk about Institutional Controls (IC's) instead. A fine piece of social marketing.

Moving along to IC's, recently I saw the words Institutional Controls, vague, and EPA used in the same sentence. Folks in Libby seem a little reluctant to buy in without more detail, rightly so. I would submit that we have two glaring examples of IC's in place already that are easily explained to alleviate some of the vagueness. IC's have been installed in Libby to protect us from PBC's in our ground water and IC's put in place to protect us from the smoke emitted from our wood stoves. IC's regarding water consist of the purchase of existing private wells, prohibition of any new wells and injection of micro-wood smoke, IC's consist of the wood stove change out to EPA approved stoves only, along with restrictions on heating with wood on bad air days, which was necessary to keep us in compliance. These IC's were due to EPA changing standards from PM 10 to PM 2.5. In addition, a one time fine of \$300 per year would be levied against anyone caught engaging in non-compliance during bad air days.

So far, these IC's have worked to keep our air shed in compliance with the new PM 2.5 standard, but barely. You could explain that, in the future, EPA may change the standard again, thus making compliance non-achievable but there is a contingency plan in place, the final IC would come into play—a Total Ban on wood heat. EPA could even pass out copies of the county ordinance for reading pleasure and assure folks that these IC's are law, enforceable law, brought forth by the county, approved by the State of Montana, as well as EPA. You might also explain that these laws, IC's, are federal laws and that non-compliance puts the state at risk of losing federal dollars; incentive for the state to enforce compliance. On second thought, ya'all might want to continue to be vague.

Truth is, I believe once Record of Decision is in place and we the stakeholders have accepted IC's as part of the remedy, we will have to live with whatever non-compliance penalties the state and county impose upon us. EPA will demand compliance with standards that will be ever changing as regulations catch up with science.

Speaking of truth, you folks at EPA seem to be having a hard time sticking to it. As I read the Proposed Plan, I was almost 2 ½ pages into it when I ran into the first false statement and it is a real doozy, as they say. The Plan states: "EPA's Administrator determined on June 17, 2009 that conditions at the site constituted a public health emergency. This was the first time that EPA made such a finding under the federal Superfund law." This is a false statement and very relevant to the protectiveness of our cleanup.

Truth is, determination of Public Health Emergency (PHE) was made for Libby in 2001. EPA had investigated potential exposure pathways. The ATSDR medical screening validated that each of the exposure pathways contributed to the disease and death being seen in our population. The medical screening revealed that only 5% of the people expressing disease reported no known exposure pathway. And most importantly, it was acknowledged that we are what is known by the medical and scientific community as being a "Sensitive Population"; our health had been severely compromised already by past exposure. EPA of 2001 determined that the only right, correct, prudent, appropriate thing to do in Libby was to remove all known exposure pathways, including Vermiculite insulation from attics and walls. CERCLA (Superfund Legislation) prohibits EPA from removing a commercial product from structures without declaration of PHE, authorized by the President of the United States. When Christy Todd Whitman came to Libby announcing that EPA was going to declare PHE and was going to deliver a cleanup that was as protective as possible, she had Determination of PHE in hand. Governor Whitman did not lie to us. Her sincere compassion, concern, resolve, her integrity was heard in her voice by all. The Action Memorandum bringing forth PHE clearly laid out the abatement of all exposure pathways. Administrator Whitman's visit to Libby was on September 7, 2001. By mid March 2002 the Determination Action Memo was due to be signed by Assistant Administrator Marianne Horinko, press release was being discussed. Then something incredible happened, the Office of Management and Budget (OMB) canceled PHE for Libby, to our further detriment. This first 2001 Determination of Public Health Emergency/Action Memo can be found in the attachments of a report generated by the United States Senate Committee on Environment and Public Works titled: EPA's Failure to Declare a Public Health Emergency in Libby Montana, dated September 2008.

We were in good hands prior to the intervention of OMB. The dismissed Action Memorandum/Determination of Public Health Emergency of 2001 would have delivered a thorough cleanup of all known exposure pathways. This was warranted in 2001 and is warranted in 2015, as we are still a "Sensitive Population"; lest we have all been cured of disease by the mere presence of this "new" EPA/OMB. OMB foiled PHE in 2001, why? Jack McGraw of the "old" EPA Region 08 was quoted in the Senate Report cited above: "EPA is in W.R. Grace's pocket and afraid to declare PHE because they don't want us to." Jack McGraw had the courage to speak truth to power.

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So, I reject the Proposed Plan as the management in place of contamination is not an appropriate solution to protecting public health and IC's should not be used as a remedy but rather only as the safety net to catch what might get missed during a remediation that is as thorough as is humanly possible.

I recommend, request, demand if necessary, that the 2001 Action Memorandum/Determination of Public Health Emergency be revived and implemented immediately, so we can get on to Record of Decision. Furthermore, I would request an opinion from the National Institute of Environmental Health Sciences (NIEHS) and from ATSDR (Agency for Toxic Substances and Disease Registry) regarding the suitability of EPA's current "Proposed Plan". I think a second and third opinion is in order. I have lost trust in this "new" EPA. And if all agree EPA, NIEHS, and ATSDR that management in place and IC's are an appropriate remedy, I think that it would be prudent to install the same "EPA protection" to the 17 million homes in America that contain this Vermiculite insulation.

Finally, at the end of the day if it is decided that the exposure pathways will be managed in place; along with Institutional Controls to manage the risk, i.e. laws to protect us from ourselves; that a thorough cleanup does not come forward, please cut me a check for \$500,000 so that I can comfortably relocate to an environment that is free of Amphibole family mineral fiber (i.e. Libby Amphibole Asbestos LAA).

Sincerely,

Clinton Maynard

P.S. Did I mention that I am disappointed?!!